

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vikkie A. Mustad, et al.	Examiner: Carr, Deborah D.
Serial No. 10/656,662	Group Art Unit 1621
Filed September 5, 2003	Docket No.: 7119US01
Title: Lipid System and Method of Use	I certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.
	<i>Wendy Detwiler</i> 4-13-05
	Wendy Detwiler Date

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the March 11, 2005 Office Action in the above-identified application, in which the claims were subjected to a restriction requirement under 35 USC 121 and subsequently categorized by the Examiner as follows:

Group I: Claims 1-8, drawn to a lipid system comprising ALA, omega-6 fatty acids, omega-9 fatty acids, classified in class 554, subclass 227.

Group II: Claims 9 and 13-24, drawn to nutritional product comprising the lipid system and a method of using the product, classified in class 426, subclass 648.

Group III: Claims 10-12, 25-45, drawn to method of treating various diseases by administering the lipid system, classified in class 514, subclass 560.

Applicants traverse this restriction requirement. Although Applicants concede that the composition and method claims of the present invention may be patentably distinct, the restricted Groups I, II, and III are not categorized as such. Claim 9, for example, is directed to a nutritional product containing the lipid system of claim 1, and since both are nutritional systems, it is difficult to conceive that they can be used in materially different processes.

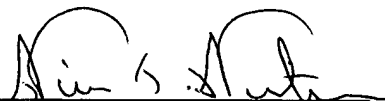
Applicants respectfully submit that the currently defined groups, in order to support a proper restriction, should be recategorized as Group I (Claims 1-9 and 14-20) directed to nutritional systems and Group II (Claims 10-13 and 21-45) directed to methods of using those systems.

In the event that the defined groups are recategorized as suggested, Applicants' provisionally elect to prosecute in the present application claims 1-9 and 14-20 (Group I).

In the event, however, that the current restriction is maintained, Applicants provisionally elect, with traverse, to prosecute claims 1-8 (Group I) in the present application.

Applicants therefore request reconsideration of this application, withdrawal of the restriction requirement under 35 USC 121 in favor of a subsequent restriction in favor of the proposed groups, and early allowance of the elected claims in the present application.

Respectfully submitted,

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